

VZCZCXYZ0004  
OO RUEHWEB

DE RUEHC #1206 1632335  
ZNR UUUUU ZZH  
O 122311Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY VALLETTA IMMEDIATE 0000

UNCLAS STATE 061206

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MT](#)  
SUBJECT: MALTA -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHÉ

REF: A. (A) STATE 59732  
      [B.](#) (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Malta of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Malta and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Malta of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

**¶7. Action Request continued:** On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

**¶8. Begin Final Text of Malta's country narrative in the 2009 TIP Report:**

-----

#### Malta (TIER 2)

Malta is a destination country for women from Russia, Ukraine, Romania, and other European countries trafficked for the purpose of commercial sexual exploitation. In addition, irregular migrants from African countries arrive in Malta en route to Italy and elsewhere and may be vulnerable to human trafficking.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Malta demonstrated strong political will to combat human trafficking through several executive branch initiatives, including the development of victim assistance services, training of government officials, and expanded public awareness. There was limited visible progress on prosecution of cases and punishment of convicted trafficking offenders.

Progress in the area of convictions and punishment of trafficking offenders during the next reporting period is necessary to fully comply with the minimum standards.

Recommendations for Malta: Vigorously prosecute and convict trafficking offenders; ensure convicted trafficking offenders, including officials complicit in trafficking, receive adequate punishment; continue to develop and implement procedures for identifying and caring for victims, including possible child victims, among migrants and other vulnerable population; continue to develop procedures, in consultation with international organizations or NGOs as appropriate, in relevant source countries to ensure safe, voluntary repatriation for victims; and consider raising awareness to deter the possibility of child sex tourism.

#### Prosecution

-----

Malta demonstrated inadequate efforts to prosecute trafficking in persons offenses during the reporting period. Malta's criminal code prohibits trafficking for commercial sexual exploitation and involuntary servitude and prescribes punishments of two to nine years, imprisonment. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. In a 2004 case that came to trial in 2008, a Maltese woman was convicted of trafficking Russian women into forced prostitution in Malta and given a two-year suspended sentence. The ongoing cases cited in the 2008 Report, including the case of the police officer convicted in 2005 who remained out of jail pending an appeal, were slowly working their way through the Maltese legal system. In January 2009, the police trained 60 police officers in identifying and assisting trafficking victims.

#### Protection

-----

Malta improved efforts to protect victims of trafficking during the reporting period. In February 2009, the Social Welfare Services Agency (Appogg) conducted a training session on victim assistance for government social workers, including those who work with the irregular migrant population. There are no NGOs in Malta specializing in assisting human trafficking victims; the government assists foreign victims through government-funded shelters that are used primarily for victims of domestic violence. An NGO assisting irregular migrants identified four potential trafficking victims in a migrant detention center. The government determined they

were not trafficking victims and did not offer trafficking-specific services to them, though it released them from detention. On a case-by-case basis the government can offer legal alternatives to the removal of identified foreign trafficking victims to countries where they may face hardship or retribution. There is no evidence that authorities punished victims of trafficking for unlawful acts committed as a direct result of their being trafficked. The government developed a formal system for referring all women in prostitution apprehended by police to government social workers, and began proactively seeking to identify victims among asylum seekers, though it did not identify any victims during the reporting period. Malta encourages victims to assist in the investigation and prosecution of trafficking crimes. In 2008, the one victim referred to Maltese police by a foreign embassy was allowed to provide testimony against her trafficker through video conferencing.

#### Prevention

---

The government boosted prevention activities over the last year. Appogg produced detailed brochures to raise awareness about human trafficking that included information about identifying potential victims and outlets for assistance and distributed them at health clinics, community centers, and churches. In addition, Appogg distributed these brochures in entertainment areas to target potential clients of the sex trade. Malta's government Employment and Training Corporation conducted informational sessions within migrant detention centers to inform migrants about their rights and the process by which to attain work permits and proper employment if they are granted asylum and released. The assistant commissioner of police raised awareness of human trafficking through a television appearance on a top rated talk show in 2008. The government did not report any specific actions to reduce the possible participation of Maltese nationals in child sex tourism abroad.

---

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum

standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June

¶16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Malta given a ranking of Tier 2?

A: The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

Q2: What progress has Malta made in the last year?

A: Malta demonstrated strong political will to combat human trafficking through several executive branch initiatives, including the development of victim assistance services, training of government officials, and expanded public awareness. There was limited visible progress on prosecution of cases and punishment of convicted trafficking offenders. Progress in the area of convictions and punishment of trafficking offenders during the next reporting period is necessary to fully comply with the minimum standards.

Q3: What can Malta do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Maltese government could: vigorously prosecute and convict trafficking offenders; ensure convicted trafficking offenders, including officials complicit in trafficking, receive adequate punishment; continue to develop and implement procedures for identifying and caring for victims, including possible child victims, among migrants and other vulnerable population; continue to develop procedures, in consultation with international organizations or NGOs as appropriate, in relevant source countries to ensure safe, voluntary repatriation for victims; and consider raising awareness to deter the possibility of child sex tourism.

Q4: What sources does the State Department use for information?

A: The Department of State prepared this Report using information from U.S. embassies, foreign government officials, NGOs and international organizations, published reports, research trips to every region, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov).

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON